

REMARKS

1-2. Claim 7 has been amended to delete "a pair of brackets mountable to a cubicle wall" to clarify the language thereof. Accordingly it is believed that (Claims 7 (currently amended)-9 are now definite under 35 U.S.C. 112, second paragraph.

3-4. Claims 4, 7, 10, 15, 16 and 17 are not believed to be obvious in light of Cohen '0045785 and DeWitt '359.

Cohen discloses a mounting system for support poles to the top rail of a deck that includes brackets 24 having contoured sections 30 each of which include three stepped surfaces 40, 42, 44. Each stepped surface 40, 42, 44 is disposed horizontally and is at a different distance away from the base structure 12 of the mounting system 10. The contoured sections 30 formed thereby abut against corresponding vertical side surfaces of a horizontal rail 33. Also, the support pole 16 of Cohen is either welded to base structure 12 or can be detachably connected by mating threads therebetween. Applicant believes that Cohen is not even a related art. More importantly, applicant takes issue with the Examiner's assertion that the brackets of Cohen are L-shaped members and that the stepped surfaces 40, 42, 44 are "vertically disposed ribs". Moreover, the lower stepped surfaces 44 fit underneath the rail 33 as clearly shown in FIGS. 3, 6 and 7 therein. The present invention does include vertically disposed ribs on each of its L-shaped members as clearly shown in the drawings, whereas Cohen's alleged "ribs" are clearly horizontal and not vertical.

Cohen is clearly not pertinent or in any way usable with a cubicle wall panel. The contoured stepped surfaces 40, 42, 44 of Cohen could not securely engage a substantially planar surface without lower surfaces 44 digging into the panel material, thus causing damage. If, alternately, the interior edges of lower surfaces 44 rested on the surface of a wall panel, the Cohen device would be unstable. Finally, as stated in paragraphs 0022, 0028 and 0035, the Cohen device is designed for deck lumber rails of various shapes and sizes, not vertically disposed panel walls or any wall.

Claims 4, 7, and 10 recite that the brackets used are each formed as an L-shaped member...with an inside surface located to abut a vertical surface of a cubicle wall". Applicant cannot agree with the Examiner's assertion that the Cohen device brackets are either L-shaped members or that they provide engagement with opposed vertical sides of a support wall. Cohen is simply a different device having no specific use with vertical walls, such as those found in cubicles. Nor would one having ordinary skill in the art to which the

invention pertains even consider using Cohen in any manner except what Cohen is designed for.

With regard to the DeWitt '359 reference, sign rotation is accomplished via a bore 26 that passes entirely through right portion 12, which would prevent adjustment of Cohen's brackets if Cohen were so reconstructed. Such a structure is not taught by Cohen and does not need to rotate any member or attachment. Accordingly, applicant believes it is inappropriate to combine the cited references since it is contra-indicated by Cohen.

5. Applicant acknowledges the allowability of the subject matter of Claims 5, 6, 8, 9, and 11-14.
6. Applicant acknowledges the allowance of Claim 18.
7. A telephone interview is respectfully requested to resolve any remaining issue prior to any final action on the merits.

Respectfully submitted,



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